

P 110600Z AUG 08  
FM AMEMBASSY KHARTOUM  
TO SECSTATE WASHDC PRIORITY 1560  
INFO AFRICAN UNION COLLECTIVE  
ARAB LEAGUE COLLECTIVE  
DARFUR COLLECTIVE  
IGAD COLLECTIVE  
UN SECURITY COUNCIL COLLECTIVE

C O N F I D E N T I A L KHARTOUM 001208

SIPDIS

DEPARTMENT FOR A/S FRAZER, S/E WILLIAMSON, AND AF/SPG  
NSC FOR PITTMAN AND HUDSON  
ADDIS ABABA FOR USAU

E.O. 12958: DECL: 08/09/2018  
TAGS: [ASEC](#) [PGOV](#) [PREL](#) [KPKO](#) [UN](#) [AU](#) [SU](#)  
SUBJECT: SE WILLIAMSON'S MEETING WITH GOSS PRESIDENT SALVA  
KIIR

Classified By: CDA Alberto Fernandez, for reasons 1.4 (b) and (d)

¶1. (C) Summary: The formation of the Abyei Interim Administration and the deployment of police to Abyei may allow IDPs to begin to return to the troubled region, once the Chief Administrator indicates that the time is right, GOSS President Salva Kiir told visiting Special Envoy Williamson August 9. Kiir said oil revenues should be shared from the date of the Abyei Roadmap and that the National Petroleum Commission would meet in the next few weeks to determine when payments would begin. Williamson encouraged Kiir to seek a political solution to the longer-term border issue in Abyei, and not to rely solely on the Permanent Court of Arbitration in the Hague, which Kiir acknowledged but pointed out that if there were adequate political will the NCP would have implemented the Abyei Boundaries Commission (ABC) report. Regarding the ICC, Kiir said the SPLM's position has always been that Sudan should cooperate with the ICC regarding previous indictments, but Kiir expressed grave concerns about the impact of an indictment against President Bashir on the stability of Sudan and the region. Williamson responded that the US would consider Kiir's views carefully in making any decision regarding ICC issues. End summary.

¶2. (U) White House Special Envoy for Sudan Richard Williamson met with Government of Southern Sudan President Salva Kiir August 9 in Khartoum. CDA Fernandez, State/L Christine Sanford, and SE Staff Assistants also attended; polchief served as notetaker.

Abyei

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¶3. (C) SE Williamson congratulated President Kiir for the courage and restraint that he had shown during the Abyei crisis in May, and acknowledged progress on the Abyei Roadmap with the announcement August 9 of the Chief Administrator and Deputy Administrator for the Abyei Interim Administration. "Without your leadership the crisis in Abyei could have been worse and spun out of control. You remain the indispensable man for the South and the Comprehensive Peace Agreement, and the US greatly appreciates the role you play," said SE Williamson. The SE inquired when Internally Displaced Persons (IDPs) would be able to return to Abyei from Agok and asked about the status of the Joint Integrated Units (JIUs) and the police units.

¶4. (C) President Kiir responded that IDPs could return once the Interim Administration is in place, police units have been deployed, and the Chief Administrator indicates that conditions are right for IDPs to return to the troubled region. Kiir said that some IDPs have already begun to return with the news that the SAF 31st brigade had fully withdrawn from Abyei town. However, Kiir pointed out that the 31st brigade is still in the disputed area outside of

Abyei, within striking distance of Abyei town and near the oil fields in Difra. Kiir said the police commander is from the Abyei area but was deployed from the federal police in Khartoum, and the SPLM has no problem with his selection, however the entire joint police force has not yet been deployed. Regarding the interim administration, Kiir said there was no reason for the NCP to insist on appointing a Misseriya as the Deputy Administrator, when the population is overwhelmingly Dinka, but this was an obvious delaying tactic of the NCP and the SPLM wanted to resolve the issue in order to allow Abyei to begin receiving services and oil revenues. Kiir said the Administrator (Arop Moyak) and his Deputy (Rahama Al-Nour) will now consult for a limited time on the composition of the councils and then the administration will be established.

15. (C) Regarding oil wealth sharing, Kiir pointed out that it will likely be impossible for the national treasury to pay back all Abyei oil revenues to the date of the signing of the CPA on January 9, 2005. However, Kiir said the SPLM remains flexible and at least payments would begin from the date of the signing of the Abyei Roadmap. He said the National Petroleum Commission would meet in the next week or two to determine when Abyei oil revenue sharing payments would commence. Regarding the JIUs, Kiir noted that they are in place already but expressed concern that SPLA and SAF forces must be co-located and must train together, "otherwise mistrust will still exist." Kiir related a conversation he had with SRSQ Qazi about the JIUs, in which Qazi reportedly said that the JIUs must patrol south of Abyei town. Kiir said he told Qazi that the threat comes from the north, from the militias in Difra, and instead of going to Agok the JIUs should instead patrol "in the areas of greatest threat north of Abyei town."

16. (C) SE Williamson encouraged President Kiir to seek a political solution to the long-term issue of Abyei's borders rather than wait for the results of the PCA in the Hague, which might still be rejected by the NCP and risked returning the parties to the same situation that followed the NCP's rejection of the ABC report. Kiir responded that there is "only a tiny hope of success" on a political solution, as the NCP could have implemented the ABC report if they had the political will. He observed that all options had been considered before the parties finally decided on the arbitration mechanism. However, Kiir said the SPLM remains open to discussion despite the limited options available, "but both parties must be willing."

#### ICC and Elections

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17. (C) SE Williamson noted that the Electoral Law was signed on July 14 and asked whether the schedule for elections is realistic. The SE also expressed concern about the stipulation in the law that foreign contributions to political parties would not be allowed, and inquired whether this would not disadvantage smaller parties. Kiir did not address the issue of foreign financing, but noted that the electoral commission should be established by August 14. Kiir also expressed concern that an indictment of President Bashir would obstruct elections. "We all say elections will take place, but it depends on how the ICC issue develops," said Kiir, noting that the president will need his office more than ever before if he is indicted. SE Williamson inquired how the GOS will act going forward given Kiir's role as head of the committee tasked with responding to the ICC indictment. Kiir responded that there is no clear answer, that the "higher committee" has met twice and will meet again soon to discuss how to approach the international community on this issue. Kiir noted that the SPLM position has always been that the GOS should cooperate with the ICC, and that if the GOS had taken the SPLM's advice in 2006 and turned over the previous two indictees, the "damage could have been managed." "We need breathing space for dialogue, but the days are running faster than actions and we want to be able to move before things are decided for us," said Kiir. "Some mobilization has occurred, but it has not helped."

¶8. (C) Kiir expressed grave concerns about the impact of an indictment of President Bashir on the implementation of the CPA and on the stability of Sudan and the broader region as a whole. "Who will implement the CPA if President Bashir is not there," he asked rhetorically, "and how will you solve Darfur?" "Things can be managed with this president, but if he is not there, no one can manage." Kiir observed that it is "very awkward" to indict a sitting head of state and questioned why Ocampo had targeted the president when he was not even on the rumored list of 51 names of individuals who were involved in war crimes in Darfur. Kiir predicted that "this may bring down Sudan" and envisioned a scenario in which each deputy will fight for control of the government, and in the ensuing chaos the central government will lose control and Darfur and the South will declare their independence. "Everyone will run away with the land they can control, with support from their regional neighbors and the country will turn into another Somalia."

¶9. (C) SE Williamson pointed out that the prosecutor had only made a recommendation to the pre-trial judges at the Hague, and also pointed out that the US is not part of the ICC, but promised to share President Kiir's concerns with President Bush. The SE assured Kiir that the US is not behind the prosecutor's actions and observed that the US has gained what information it has about the indictment from France and the UK. SE Williamson noted that the African Union and others have suggested that the UNSC consider using Article 16 to defer the indictment, and observed that no resolution at the Security Council could pass if the US opposed it. He said that the US has an obligation to reflect on such a proposal but no decision has yet been made about what the US might do. "We are not closing options or pre-judging, we are just reflecting and sharing views, and we will consider your views carefully."

¶10. (U) SE Williamson reviewed this cable prior to transmission.

FERNANDEZ